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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/565,468	01/19/2006	Qingliang Liu	80170-1010	8096

24504 7590 09/10/2010

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EXAMINER	
NGUYEN, BRIAN D	
ART UNIT	PAPER NUMBER
2472	

MAIL DATE	DELIVERY MODE
09/10/2010	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/565,468	LIU ET AL.	
	Examiner	Art Unit	
	BRIAN D. NGUYEN	2472	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *29 July 2010*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-8 and 10* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-8 and 10* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *04 September 2009* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☒ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Claim Objections

1. Claims 1-5, 8, and 10 are objected to because of the following informalities:

Claim 1, line 6, it is suggested to replace "a current service" with "the current service".

Claim 2, line 3, it is suggested to replace "CPU" with "the CPU".

Claim 8, line 3, it is suggested to replace "a control channel" with "the control channel".

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-6, 8, and 10 are rejected under 35 U.S.C. 102(b) as being anticipated by O'Toole et al (2002/0054597).

Regarding claim 1, O'Toole discloses a method for realizing dynamic adjustment of data bandwidth in transmission equipment, comprising adding, by a device for realizing dynamic adjustment of data bandwidth in transmission equipment, a control channel in a trunk link of the transmission equipment for describing occupancy on time slots by a current service (see figure 8, paragraph 0070), and further comprising informing a time slot distribution circuit by CPU of time slots to be occupied by a voice service as voice call begins when a current service is multiplexed to a direction of El/T1 link (figure 9, paragraphs 0031-0033); releasing the time slots from data service by the time slot distribution circuit, and distributing to the voice service

(paragraph 0032); informing the time slot distribution circuit by the CPU of the time slot having been released by the voice service after voice call finishes (paragraph 0032); and distributing the time slots to data service by the time slot distribution circuit, whereby dynamic adjustment of data service is implemented (paragraph 0032).

Regarding claim 2, O'Toole discloses the control channel implements dynamic distribution on time slots in PCM line under control of CPU (see PCM in figure 15).

Regarding claim 3, O'Toole discloses the dynamic distribution on time slots is controlled by channel control words written in the control channel, and the control channel comprises one or more time slots (see time slot bits in figure 8).

Regarding claim 4, O'Toole discloses the current service comprises voice service and data service (paragraphs 0031-0033).

Regarding claim 5, O'Toole discloses the method is applied in peer networking (see figure 4).

Regarding claim 6, O'Toole discloses a device for realizing dynamic adjustment of data bandwidth in transmission equipment, comprising: a control word process circuit, a time slot distribution circuit and a CPU interface circuit (see figure 10), wherein the control word process circuit is designed to complete extraction and insertion of control information in control channel of El/T1 link; the time slot distribution circuit is designed to complete separating voice time slots from Ethernet data time slots, and rebuilding data; the CPU interface circuit implements controlling on time slot distribution (see figure 10, paragraphs 0031-0033, 0057, 0070).

Regarding claim 8, O'Toole discloses the time slot dynamic distribution circuit is controlled by channel control words written in a control channel, and the control channel comprises one or more time slots (see time slot bits in figure 8).

Regarding claim 10, O'Toole discloses the device for realizing dynamic adjustment of data bandwidth in transmission equipment comprises: a control word process circuit, a time slot distribution circuit and a CPU interface circuit, the control word process circuit is designed to complete extraction and insertion of control information in the control channel of El/T1 link; the time slot distribution circuit is designed to complete separating voice time slots from Ethernet data time slots, and rebuilding data; the CPU interface circuit implements controlling on time slot distribution (see figure 10, paragraphs 0031-0033, 0057, 0070).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

5. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over O'Toole in view of Feinberg et al (2004/0001579).

Regarding claim 7, O'Toole does not specifically disclose High Level Data Link Control (HDLC), Media Access Control (MAC) frame process circuit to implement processing HDLC link for Ethernet data, checking integrity of MAC frame, comparing and learning MAC addresses. However, these features are well known in the art. Feinberg discloses High Level

Data Link Control (HDLC) (see HDLC in paragraphs 0010, 0077), Media Access Control (MAC) (see MAC in paragraph 0070) frame process circuit to implement processing HDLC link for Ethernet data, checking integrity of MAC frame, comparing and learning MAC addresses (paragraphs 0070, 0083, 0292, 0412). Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to use the features disclosed by Feinberg in the system of O'Toole in order to meet the design criteria of a particular implementation.

Response to Arguments

6. Applicant's arguments with respect to claims 1-8 and 10 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to BRIAN D. NGUYEN whose telephone number is (571)272-3084. The examiner can normally be reached on 8-4:30 Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Trost can be reached on (571) 272-7872. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

9/9/10
/Brian D Nguyen/
Primary Examiner, Art Unit 2472